

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Iwamura, Keiichi)	Confirmation No.:	9938
)		
Serial No.:	10/759,364)	Art Unit:	2134
)		
Filed:	January 16, 2004)	Examiner:	Wyszynski,
)		Aubrey H.
For:	IMAGE PROCESSOR, METHOD)		
	THEREOF, COMPUTER)		
	PROGRAM, AND COMPUTER)		
	READABLE STORAGE MEDIUM)		
)		

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. § 1.181

(INCLUDING STATEMENT OF FACTS)

Mail Stop TC2100
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Responsive to the Notice of Abandonment mailed on October 28, 2008 from the U.S.P.T.O., in which it is stated that the issue fee and publication fee for this subject application has not been received, thereby causing this subject application to go abandoned, consideration of this Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action under 37 C.F.R. § 1.181 (see also MPEP 711.03(c)

II) is respectfully requested in view of the following:

Statement of Facts in Support of Petition begins on page 2 of this paper;

Remarks begin on page 3 of this paper; and

Supporting Docket Records Attachment is separately attached.

STATEMENT OF FACTS IN SUPPORT OF PETITION

A. Before *unexpectedly* receiving a Notice of Abandonment from the U.S.P.T.O on October 31, 2008 (mailed from U.S.P.T.O. on October 28, 2008), *the last official U.S.P.T.O. communication received by Applicant's Representative was a non-final Office Action received on January 3, 2008 (mailed from U.S.P.T.O. on December 28, 2007).*

B. Applicant's last official action pertaining to the subject application was taken on May 23, 2008 when a Response, including a Petition for Extension of Time (two months), was filed before the extended due date of May 31, 2008, thereby preserving pendency.

C. According to PAIR, *apparently* a Notice of Allowance was sent to Applicant's Representative on July 3, 2008 from the U.S. P.T.O. *The aforementioned Notice of Allowance was never received at the Applicant's Representatives mailing address.*

D. After receipt of the unexpected Notice of Abandonment on October 31, 2008, Applicant's Representative performed a search of the file jacket and docket records to verify that the aforementioned Notice of Allowance had not been received by the Applicant's Representative. As shown in the Supporting Docket Records Attachment (see separately attached), Applicant's Representative's docketing system does not reflect any entry regarding official receipt of the subject Notice of Allowance which was apparently sent to Applicant's Representative on July 3, 2008.

E. Applicant has never had any intention of abandoning the subject application and has made an effort to prosecution the subject application within the allotted time constraints set forth by the U.S.P.T.O.

REMARKS

Applicant respectfully submits that the aforementioned Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action under 37 C.F.R. § 1.181 (see also MPEP 711.03(c) II) be accepted by the U.S.P.T.O. As has been discussed, Applicant never received the Notice of Allowance supposedly mailed from the U.S.P.T.O. on July 3, 2008. Furthermore, Applicant has never had any intention of abandoning the subject application, especially since then case has been allowed.

It is believed no fee is required pertaining to a petition filed under 37 C.F.R. § 1.181 (see also MPEP 711.03(c) II). However, if any additional fee is required, please charge Deposit Account No. 502456.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

	Respectfully submitted,
11/10/08	/ Michael D. Nornberg /
Date: _____	By: _____
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